

## Case # 2:22-cv-00972-RFB-NJK

**VERIFIED PETITION FOR  
PERMISSION TO PRACTICE  
IN THIS CASE ONLY BY  
ATTORNEY NOT ADMITTED  
TO THE BAR OF THIS COURT  
AND DESIGNATION OF  
LOCAL COUNSEL**

VS.

FILING FEE IS \$250.00

Kyle R. Cummins, Petitioner, respectfully represents to the Court:  
(name of petitioner)

1. That Petitioner is an attorney at law and a member of the law firm of

Butler Snow LLP

(firm name)

with offices at 6075 Poplar Avenue, Suite 500,  
(street address)

## Memphis

Tennessee

38119

(city)

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(state)

(zip code)

901-680-7329

kyle.cummins@butlersnow.com

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(area code + telephone number)

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(Email address)

2. That Petitioner has been retained personally or as a member of the law firm by

Zeltiq Aesthetics, Inc.

to provide legal representation in connection with

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[client(s)]

the above-entitled case now pending before this Court.

3. That since November 6, 2014, Petitioner has been and presently is a  
(date)  
member in good standing of the bar of the highest Court of the State of Tennessee  
(state)  
where Petitioner regularly practices law. Petitioner shall attach a certificate from the state bar or  
from the clerk of the supreme court or highest admitting court of each state, territory, or insular  
possession of the United States in which the applicant has been admitted to practice law certifying  
the applicant's membership therein is in good standing.

4. That Petitioner was admitted to practice before the following United States District  
Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States and Courts  
of other States on the dates indicated for each, and that Petitioner is presently a member in good  
standing of the bars of said Courts.

Court	Date Admitted	Bar Number
Supreme Court of Tennessee	11/18/2014	033261
USDC Western District of TN	8/12/2015	
USCA, 6th Cir.	8/12/2015	
USCA, 11th Cir.	6/24/2021	

5. That there are or have been no disciplinary proceedings instituted against petitioner,  
nor any suspension of any license, certificate or privilege to appear before any judicial, regulatory  
or administrative body, or any resignation or termination in order to avoid disciplinary or  
disbarment proceedings, except as described in detail below:

None

6. That Petitioner has never been denied admission to the State Bar of Nevada. (Give particulars if ever denied admission):

None

7. That Petitioner is a member of good standing in the following Bar Associations.

See attached Exhibit A.

8. Petitioner has filed application(s) to appear as counsel under Local Rule IA 11-2 (formerly LR IA 10-2) during the past three (3) years in the following matters: (State "none" if no applications.)

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied
None			

(If necessary, please attach a statement of additional applications)

9. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada.

10. Petitioner agrees to comply with the standards of professional conduct required of the members of the bar of this court.

11. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

That Petitioner respectfully prays that Petitioner be admitted to practice before this Court  
FOR THE PURPOSES OF THIS CASE ONLY.

STATE OF Tennessee )  
COUNTY OF Shelby )

  
Petitioner's signature

Kyle R. Cummins, Petitioner, being first duly sworn, deposes and says:  
That the foregoing statements are true.

  
Petitioner's signature

Subscribed and sworn to before me this

20 day of January, 2023.  
  
Notary Public or Clerk of Court



**DESIGNATION OF RESIDENT ATTORNEY ADMITTED TO  
THE BAR OF THIS COURT AND CONSENT THERETO.**

Pursuant to the requirements of the Local Rules of Practice for this Court, the Petitioner believes it to be in the best interests of the client(s) to designate Robert R. McCoy,  
(name of local counsel)  
Attorney at Law, member of the State of Nevada and previously admitted to practice before the above-entitled Court as associate resident counsel in this action. The address and email address of said designated Nevada counsel is:

1980 Festival Plaza Drive, Suite 650,  
(street address)  
Las Vegas, Nevada, 89135,  
(city) (state) (zip code)  
702-792-7000, rmccoy@kcnvlaw.com,  
(area code + telephone number) (Email address)

By this designation the petitioner and undersigned party(ies) agree that this designation constitutes agreement and authorization for the designated resident admitted counsel to sign stipulations binding on all of us.

### APPOINTMENT OF DESIGNATED RESIDENT NEVADA COUNSEL

The undersigned party(ies) appoint(s) Robert R. McCoy as  
(name of local counsel)  
his/her/their Designated Resident Nevada Counsel in this case.

Chris Garber  
(party's signature)  
Chris Garber, eDiscovery Manager, Zeltiq Aesthetics, Inc.  
(type or print party name, title)

\_\_\_\_\_  
(party's signature)  
\_\_\_\_\_  
(type or print party name, title)

### CONSENT OF DESIGNEE

The undersigned hereby consents to serve as associate resident Nevada counsel in this case.

Robert R. McCoy  
Designated Resident Nevada Counsel's signature  
9121 rmccoy@kcnvlaw.com  
Bar number Email address

APPROVED:

DATED this 23rd day of January, 2023.

RICHARD F. BOULWARE, II  
United States District Judge

# EXHIBIT A

Certificate of Good Standing  
Supreme Court of Tennessee

*Supreme Court of Tennessee*  
*Certificate of Good Standing*


*I, James M. Hivner, Clerk of the Supreme Court of the State of Tennessee,  
do hereby certify that*

*Kyle Robert Cummins*

*is a licensed and practicing attorney of the Courts of this State, having been  
admitted to practice on November 6, 2014, and is presently in good standing. The  
Supreme Court is the Court of last resort in Tennessee.*

*In testimony whereof, I have set my hand and affixed the seal of the Court on  
this the 7th day of December, 2022.*

*James M. Hivner*  
*Clerk of the Supreme Court of Tennessee*

By:   
*Donna Gilmore, D.C.*